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17 *Attorneys for Plaintiffs*

18 **IN THE UNITED STATES DISTRICT COURT**
19 **FOR THE DISTRICT OF ALASKA**

20 THERESA DUTCHUK, ANNALISA
HEPPNER, LIZ ORTIZ, RANNA WELLS,
21 NORMA JOHNSON, AND JANE DOE VI

Case No.: 3:19-cv-00136-HRH

22 *Plaintiffs,*

23 **NOTICE OF PERTINENT AND**
SIGNIFICANT LEGAL AUTHORITY

24 *vs.*

25 DAVID YESNER, UNIVERSITY OF
ALASKA BOARD OF REGENTS AND
26 UNIVERSITY OF ALASKA SYSTEM,

27 *Defendants.*

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NOTICE OF PERTINENT AND SIGNIFICANT LEGAL AUTHORITY

2 Pursuant to Local Rule 7.1(d), Plaintiffs would like to put this Court on notice of
3 legal authority that is pertinent and significant to Plaintiffs' argument set forth in their
4 Response to Defendants University of Alaska Board of Regents and University of Alaska
5 System's Partial Motion to Dismiss [Dkt. No. 56][*See pp.14-15*].
6

7 Plaintiffs would like to submit the attached case *Hernandez v. Baylor University*,
8 274 F. Supp. 3d 602 (W.D. Tex. 2017) for the Court's review and consideration.
9

10 In *Hernandez v. Baylor University*, the Western District of Texas declined to
11 dismiss plaintiff's Title IX claims as untimely when she alleged that she first became aware
12 of the university's deliberate indifference to a known issue of sexual misconduct within its
13 football program four years after the university football player assaulted her—**when a law**
14 **firm investigating the university's handling of sexual-assault allegations released its**
15 **report.** *Id.* at 617. Although the plaintiff knew she had been assaulted and that the
16 perpetrator had assaulted other women, **the court believed it was reasonable to infer that**
17 **her claims did not accrue until later investigations publicly revealed that the**
18 **university knew and could have prevented her assault.** *Id.* at 616-617.
19

20 The Court in *Hernandez* denied Defendants' Motion to Dismiss based on statute of
21 limitations defense because based on allegations, plaintiff "**had no reason to suspect that**
22 **Baylor's alleged deliberate indifference played a role in her assault,**" where plaintiff
23 **did not learn of university's role in causing her sexual assault until law firm hired to**
24 **investigate university's handling of sexual assaults released findings years later.** *Id.* at
25
26
27
28 617.

1 Plaintiffs' case here against University of Alaska is similar. Plaintiffs appreciate this
2 Court's consideration of this legal authority.

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4 DATED: January 28, 2020
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Respectfully submitted,

By: /s/ Cornelia Brandfield-Harvey
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2 CERTIFICATE OF SERVICE
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5 I hereby certify that on January 28, 2020 I filed a true and correct copy of the
6 foregoing document with the Clerk of the Court for the United States District Court –
7 District of Alaska by using the CM/ECF system. Participants in Case No. 3:19-cv-00136-
8 HRH who are registered CM/ECF users will be served by the CM/ECF system.
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10 */s/ Cornelia Brandfield-Harvey*
11 Cornelia Brandfield-Harvey
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